

"Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). Since tugs with tows are exempt from this proposal, the economic impact is expected to be so minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant impact on a substantial number of small entities.

#### Collection of Information

This proposal contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

#### Federalism

The Coast Guard has analyzed this proposal in accordance with the principles and criteria contained in Executive Order 12612, and has determined that this proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### Environment

The Coast Guard considered the environmental impact of this proposal and concluded that, under section 2.B.2.g(5) of Commandant Instruction M16475.1B, promulgation of operating requirements or procedures for drawbridges is categorically excluded from further environmental documentation. A Categorical Exclusion Determination is available in the docket for inspection or copying where indicated under "ADDRESSES".

#### List of Subjects in 33 CFR Part 117

Bridges.

For the reasons set out in the preamble, the Coast Guard proposes to revise 33 CFR part 117 as follows:

#### PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g).

2. In § 117.287, paragraph (d)(2) is revised to read as follows:

##### § 117.287 Gulf Intracoastal Waterway.

\* \* \* \* \*

(d)(2) The draw of the Anna Maria (SR 64) bridge, mile 89.2, shall open on signal; except that from 7 a.m. to 6 p.m., the draw need open only on the hour, twenty minutes past the hour and forty minutes past the hour.

\* \* \* \* \*

Dated: June 9, 1992.

**Robert E. Kramek,**

*Rear Admiral U.S. Coast Guard Commander,  
Seventh Coast Guard District.*

[FR Doc. 15220 Filed 6-26-92; 8:45 am]

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#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 300

[FRL-4148-3]

#### National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

**AGENCY:** United States Environmental Protection Agency.

**ACTION:** Notice of intent to delete the Paganos Salvage site from the National Priorities List; Request for comments.

**SUMMARY:** The Environmental Protection Agency (EPA) Region 6 announces its intent to delete the Pagano Salvage site from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended. EPA and the State of New Mexico (New Mexico Environment Department) have determined that all appropriate actions under CERCLA have been implemented and that no further cleanup is appropriate. Moreover, EPA and the State have determined that response activities conducted at the site have been protective of public health, welfare, and the environment.

**DATES:** Comments concerning this site may be submitted on or before July 28, 1992.

**ADDRESSES:** *Comments may be mailed to:* Mr. Donn Walters, Community Relations Coordinator, U.S. EPA, Region 6 (6H-MC), 1445 Ross Avenue, Dallas, Texas 75202-2733.

Comprehensive information on this site is available through the EPA Region 6 public docket, which is located at EPA's Region 6 library office and is available for viewing from 8 a.m. to 5 p.m., Monday through Friday, excluding holidays. The office address is: U.S. EPA, Region 6, Library, 12th Floor, 1445 Ross Avenue, Dallas, Texas 75202, (214) 655-6444.

Background information from the regional public docket is available for

viewing at the Pagano Salvage site information repositories located at:

Los Lunas Public Library, 460 Main Street,  
Los Lunas, New Mexico  
New Mexico Environment Department,  
Superfund Section, 1190 St. Francis Drive,  
Santa Fe, New Mexico 87031

#### FOR FURTHER INFORMATION CONTACT:

Mr. Carlos A. Sanchez, U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, (214) 655-6710.

#### SUPPLEMENTARY INFORMATION:

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#### I. Introduction

The U.S. Environmental Protection Agency (EPA) Region 6 announces its intent to delete the Pagano Salvage site, Los Lunas, New Mexico, from the National Priorities List (NPL), which constitutes appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan, 40 CFR part 300 (NCP), and requests comments on the deletion. The EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment, and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund Response Trust Fund (Fund). Pursuant to § 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions if conditions at the site warrant such action.

The EPA will accept comments concerning this proposal for thirty (30) days after publication of this notice in the **Federal Register**.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the history of this site and explains how the site meets the deletion criteria.

#### II. NPL Deletion Criteria

The NCP establishes the criteria that the Agency uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e)(1), sites may be deleted from or recategorized on the NPL where no further response is appropriate. In making a determination to delete a release from the NPL, EPA shall consider, in consultation with the state, whether any of the following criteria have been met:

(i) Responsible parties or other persons have implemented all appropriate response actions required; or

(ii) All appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or

(iii) The response action has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Prior to deciding to delete a site from the NPL, EPA must determine that the remedy, or existing site conditions at sites where no action is required, is protective of public health, welfare, and the environment.

Deletion of a site from the NPL does not preclude eligibility for subsequent Fund-financed actions if future site conditions warrant such actions. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites that have been deleted from the NPL.

### III. Deletion Procedures

In the NPL rulemaking published on October 15, 1984 (49 FR 40320), the Agency solicited and received comments on whether the notice of comment procedures followed for adding sites to the NPL also should be used before sites are deleted. Comments also were received in response to the amendments to the NCP proposed on February 12, 1985 (50 FR 5862). Formal notice and comment procedures for deleting sites from the NPL were subsequently added as a part of the March 8, 1990 amendments to the NCP (55 FR 8666, 8846). Those procedures are set out in § 300.425(e)(4) of the NCP. Deletion of sites from the NPL does not itself create, alter, or revoke any individual's rights or obligations. The NPL is designed primarily for informational purposes and to assist Agency management.

Upon determination that at least one of the criteria described in §300.425(e)(1) has been met, EPA may formally begin deletion procedures. The following procedures were used for the intended deletion of this site:

(1) EPA Region 6 and the State of New Mexico agreed, in the no-further-action Record of Decision, that the five-year review was not warranted.

(2) EPA Region 6 has recommended deletion and prepared the relevant documents.

(3) The State of New Mexico has concurred with the deletion decision.

(4) Concurrent with this National Notice of Intent to Delete, a local notice has been published in local newspapers

and has been distributed to appropriate Federal, State, and local officials, and other interested parties.

(5) The Region has made all relevant documents available in the Regional Office and local site and State of New Mexico information repositories.

These procedures have been completed for the Pagano Salvage site. This **Federal Register** notice, and a concurrent notice in the local newspaper in the vicinity of the site, announce the initiation of a 30-day public comment period and the availability of the Notice of Intent to Delete. The public is asked to comment on EPA's intention to delete the site from the NPL; all critical documents needed to evaluate EPA's decision are included in the information repository and deletion docket.

Upon completion of the 30-day public comment period, the EPA Regional Office (Region 6) will evaluate these comments before the final decision to delete. The Region will prepare a Responsiveness Summary, which will address comments received during the public comment period. The responsiveness summary will be made available to the public at the information repository. Members of the public are welcome to contact the EPA Regional Office to obtain a copy of the responsiveness summary, when available. If EPA still determines that deletion from the NPL is appropriate after receiving public comments, a final notice of deletion will be published in the **Federal Register**. However, it is not until a notice of deletion is published in the **Federal Register** that the site would be actually deleted.

### IV. Basis for Intended Site Deletion

The following summary provides the Agency's rationale for deleting the Pagano Salvage site from the NPL.

The Pagano Salvage site is located at 102 Edeal Road, Los Lunas, Valencia County, New Mexico. The 1.4 acre site was and is used to operate a salvage business and includes a residence. The site has operated as a salvage business since the early 1960s.

Site investigations conducted by the New Mexico Environmental Improvement Division, now the New Mexico Environment Department (NMED), and EPA between 1984 and 1988 found on site soils contaminated with PCB concentrations as high as 2310 ppm. Off-site PCB concentrations did not exceed the Toxic Substances Control Act (TSCA) cleanup action levels (50 ppm) or cleanup levels (less than 10 ppm PCBs) for nonrestricted land usage. In sediment samples taken from the adjacent Peralta Riverside Drain, PCB concentrations did not exceed 0.5 ppm. Fish sampled from the

Peralta Drain were found to contain PCB levels generally below 1.0 ppm and a maximum of 1.7 ppm. These levels are below the Food and Drug Administration (FDA) "advisory level" of 2.0 ppm for edible portions of fish and well below the FDA's "action level" of 5.0 ppm. No PCB contamination was detected in water samples collected from the adjacent surface drains, the residential wells, or the site monitoring wells.

Based on these investigations which found soils, limited to the site, contaminated with PCB concentrations exceeding TSCA's cleanup action levels of 50 ppm, the site was proposed to the National Priorities List (NPL) in June 1988 and promulgated on October 4, 1989. As a result of the high concentrations of PCBs detected and the potential health risk to people living and working on site, the Environmental Protection Agency's (EPA) Region 6, Emergency Response Branch conducted a removal action at the site from June 1989 through January 1990.

All salvageable materials containing PCB-contaminated oil were removed by Sandia National Laboratories (SNL) during several cleanup operations conducted in 1984, 1985, and 1988. PCB-contaminated materials stored at the SNL facility were in turn disposed of by ENSCO, Sandia's PCB disposal contractor.

EPA's remediation activities at the Pagano Salvage site consisted of removing approximately 5,100 cubic yards of soil and debris contaminated with PCBs exceeding the health-based level of 10 ppm. This consisted of removing a minimum of 10 to 12 inches of soil across the entire site and covering remaining low levels (less the 10 ppm PCBs) with clean soil. This remediation meets the requirements for nonrestricted land usage and represents approximately a one in one hundred thousand ( $1 \times 10^{-5}$ ) excess cancer risk. This risk level means that one person in one hundred thousand, assuming daily ingestion of .0001 kg/day of PCBs at a concentration of 10 ppm for 70 years, is at risk of getting cancer. This level is consistent with EPA's regulatory goal of ensuring protection to an excess cancer risk of between  $1 \times 10^{-4}$  and  $1 \times 10^{-6}$ . All contaminated soil and debris removed from the site were disposed of at a permitted facility authorized to receive such wastes pursuant to TSCA and the Resource Conservation and Conservation and Recovery Act (RCRA). EPA's removal action achieved cleanup standards set by Federal and State Applicable or Relevant and Appropriate Requirements (ARARs). No

state regulations were more stringent than Federal ARARs.

At the conclusion of EPA's removal activities, post removal confirmatory soil sampling was conducted along with the installation of five (5) ground water monitoring wells for future monitoring of the shallow aquifer. Analyses of soil samples taken after the removal action detected no PCB contamination above TSCA cleanup levels. No ground water contamination was detected in the samples analyzed. As part of the remedial process, results of EPA's removal action and initial monitoring well sampling were analyzed for the need to conduct further studies. Based on review of previous site investigations, EPA's removal activities and monitoring well results, it was determined that further remediation was not necessary under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). A formal Remedial Investigation/Feasibility Study was not conducted.

The Proposed Plan for the Record of Decision was released for the thirty (30) day public comment period on August 15, 1990. The Proposed Plan recommended that as a result of EPA's removal action at the site, no further remedial action was warranted. EPA also conducted a meeting with city and county officials to discuss the Proposed Plan. The officials concurred with EPA's recommendation.

No public comments were submitted on EPA's Proposed Plan. The only comments received came from the site owner/operator who favored EPA's recommendation. Based on the community response, it was determined that no change to EPA's Proposed Plan was necessary.

The Record of Decision (ROD) was signed by the Regional Administrator on September 27, 1990. The No Further Remedial Action ROD recommendation includes: No further remedial action, one year of confirmatory ground water sampling by EPA after signing of the ROD, and no long-term management controls. The five-year review requirements of Section 121 (c) of the Superfund Amendments and Reauthorization Act are not applicable to the Pagano Salvage site because PCBs do not remain in the soil above levels that would prevent unlimited use and unrestricted access to the site. Additionally, remaining low levels of PCBs are covered with 10 to 12 inches of clean soil and meet TSCAs cleanup criteria for nonrestricted land usage. No operation and maintenance will be required at the Pagano Salvage site.

As part of the one-year confirmatory ground water sampling, EPA and NMED

collected ground water samples from residential wells and site monitoring wells in January and June 1991. These sampling events meet the State requirement that ground water samples be collected during different seasonal ground water conditions. Analytical results show no PCB contamination in the shallow ground water aquifer. The analytical results are included in the Administrative Record and referenced in the deletion docket.

EPA's removal action addressed the PCB contamination found at the Pagano Salvage site. No PCB contamination remains on site at concentrations which exceed TSCA cleanup levels. Confirmatory soil sampling was conducted during EPA's removal activities ensuring that remaining PCBs did not exceed TSCA's cleanup criteria for nonrestricted land usage (10 ppm PCBs or less). Remaining low levels of PCBs were covered with clean soil which provide further assurance that the site no longer poses any threats to human health or the environment. Additionally, confirmatory ground water sampling has verified that no PCB ground water contamination is present at the site. Therefore, EPA's removal action is protective of public health and the environment and the site meets EPA's deletion criteria.

EPA, with concurrence of the State of New Mexico, has determined that all appropriate Fund-financed response under CERCLA at the Pagano Salvage site has been implemented, and that no further response action by responsible parties is appropriate.

Dated: June 9, 1992.

**Joe D. Winkle,**

*Acting Regional Administrator, U.S. EPA—Region 6.*

#### **NPL Deletion Docket Pagano Salvage Site Los Lunas, New Mexico**

#### **National Priorities List Deletion Docket**

*Pagano Salvage Site—Los Lunas, New Mexico*

- Sampling Inspection at the Waste Electric Transformer Site #4 (Pagano Salvage), Los Lunas, NM. Dated July 15, 1986.
- Sampling Inspection at the Waste, Electric Transformer Site #4 (Pagano Salvage). Dated August 24, 1987.
- Sampling collection and analysis of soil permeability taken during a field hydraulic conductivity test. Dated January 5, 1988.
- Drinking Water Well Samples collected for the Pagano Salvage Site, Los Lunas, NM. Dated March 22, 1988.
- Organic Laboratory Results for Pagano Salvage. Dated March 29, 1988

- Action Memorandum, Dated March 23, 1989. Removal and off-site disposal of contaminated soil.
- Results of PCB-contaminated soil taken from the Pagano site in Los Lunas, New Mexico. Dated October 17, 1989.
- Results of twenty-seven soil samples that were received on December 18, 1990 for PCB analysis (Aroclors 1254 & 1260).
- Results of twenty-two (22) soil samples that were taken on January 9, 1990 for PCB analysis (Aroclors 1254 and 1260).
- Results from eighteen (18) soil samples and one water sample analyzed for PCB, (Aroclors 1254 and 1260). Dated February 6, 1990.
- Final Installation and Sampling Activities Report for the Pagano Salvage Site in Los Lunas, New Mexico. Dated April 25, 1990.
- The OSC's report of the removal action at the Pagano Salvage Yard, Valencia County, Los Lunas, New Mexico. Dated August 10, 1990.
- EPA Proposed Plan of Action. Dated August 30, 1990.
- NMED Concurrence Letter to EPA's Proposed Plan. Dated September 18, 1990.
- Record of Decision. Dated September 27, 1990.
- Analytical Results for Ground Water Samples Collected in January 1991.
- Analytical Results for Ground Water Samples Collected in June 1991.
- Superfund Site Close Out Report, Pagano Salvage Site, Los Lunas, Valencia County, New Mexico, September 1991.
- State of New Mexico Environment Department (NMED) Concurrent Letter to initiate the NPL Deletion process. Dated January 22, 1992.

[FR Doc. 92-15113 Filed 6-26-92; 8:45 am]

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## **DEPARTMENT OF TRANSPORTATION**

### **Federal Railroad Administration**

#### **49 CFR Part 234**

[FRA Docket No. RSGC-5; Notice No. 1]

**RIN 2130-AA70**

#### **Timely Response to Grade Crossing Signal System Malfunctions; Notice of Proposed Rulemaking**

**AGENCY:** Federal Railroad Administration (FRA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

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